

**REMARKS/ARGUMENTS**

Claims 1-25 are pending in the application. In the above Office Action the Examiner has rejected claims 1-25. By this Amendment claims 1, 24 and 25 have been amended in order to more particularly define certain aspects of the present invention. In addition, claims 5, 6, 8, 9, 13 and 14 have been rewritten to include all of the limitations of their respective base claims and any intervening claims.

**Rejection Under 35 U.S.C. §102(b)**

In the above Office Action, the Examiner has rejected claims 1-4, 11, 12 and 19-25 under 35 U.S.C. §102(b) as being anticipated by McGeehan et al (WO96/15596).

With regard to claim 1, the Examiner states the following with respect to McGeehan:

McGeehan discloses a method for receiving an indicator or a signal strength indicating a power level of a coupled signal from a local transmitter to a local receiver, and an active cancellation circuit to generate a cancellation signal to combine and reduce said indicator (page 3 lines 5-28).

Applicant respectfully disagrees with the Examiner's characterization of McGeehan. In particular, Applicant respectfully submits that McGeehan does not describe or suggest the generation or receipt of "a signal strength indicating a power level of a coupled signal from a local transmitter". In fact, rather than measuring the strength of a coupled signal from a local transmitter, McGeehan monitors an error signal generated by subtracting a processed version of a transmitted signal from a receiver input signal. Applicant observes that this error signal is not necessarily indicative of the strength of any coupled signal in McGeehan's system, and instead simply provides an indication of the effectiveness of the signal cancellation of such system. This aspect of McGeehan's system is described as follows:

Control elements 6 are provided which use samples of the receive signal *after cancellation* via a coupler 7 and/or the transmit signal via a coupler 8 in order to provide intelligent and rapid control of the signal processing elements so as to obtain and maintain optimum cancellation.

[3:21-26]

McGeehan elaborates on this aspect of his system with reference to his FIG. 2, which discusses the coupling to McGeehan's control circuit of an error signal formed by processing the output of a subtracter 13 (in which cancellation is performed):

The other set of inputs at 17 is formed from a coherent quadrature downconversion of a sample of the received signal derived via a coupler 19 after processing by the front-end components 14<sup>1</sup>.

[5:5-8]

It is thus clear that McGeehan does not measure the strength of a coupled signal from a transmitter in connection with generating an input to McGeehan's control circuit in a manner consistent with the present invention. Rather, McGeehan in fact teaches away from the present invention by instead generating an error signal indicative of the extent to which a transmitter signal has been canceled from a received signal, which has nothing to do with the strength of a transmitter coupled signal. Accordingly, Applicant respectfully submits that McGeehan does not describe or suggest generation or receipt of "a signal strength indicating a power level of a coupled signal from a local transmitter" as recited by pending independent claims 1, 24 and 25.

Although the foregoing demonstrates that McGeehan's system does not utilize a signal strength indicator which is indicative of the power level of a coupled local transmitter signal as presently recited by claims 1, 24 and 25, these claims have been amended to further highlight an aspect of the invention also not suggested by McGeehan; namely, that the claimed active cancellation circuit is tuned in response to such a signal strength indicator. Since neither McGeehan's receiver nor any other portion of McGeehan's system produces an indicator of the strength of a coupled signal from a local transmitter, it follows that McGeehan's control must not be disposed to be tuned by such a signal (and is in fact responsive at least in part to the received signals produced by McGeehan's coupler 19). Accordingly, Applicant respectfully requests reconsideration of the outstanding rejection under 35 U.S.C. §102(b).

#### **Rejection Under 35 U.S.C. §103**

The Examiner has also rejected claims 10 and 18 under 35 U.S.C. §103. Since claims 10 and 18 depend upon claim 1, Applicant respectfully requests reconsideration of the rejection of these claims for the reasons discussed in the preceding section.

---

<sup>1</sup> Note that the input to the front-end components 14 is provided by the subtracter 13, which is designed to cancel the transmitter signal from the received signal:

The received signal from antenna 1 forms the other input to the subtracter and the result of the subtraction process is fed to the receiver front-end 14.

[4:6-9]

**Double Patenting Rejection**

Claims 1-25 also stand rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claim 1 of U.S. Patent No. 6,539,204. Upon receiving an indication of the allowance of the pending claims in view of the prior art not also owned by the assignee of the present invention, Applicant will timely file a terminal disclaimer and request withdrawal of the outstanding double patenting rejection.

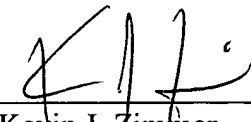
Applicant respectfully requests entry of the amendments described herein prior to further examination of the above-identified application. The undersigned would of course be available to discuss the present application with the Examiner if, in the opinion of the Examiner, such a discussion could lead to resolution of any outstanding issues.

Dated: March 9, 2004

Cooley Godward LLP  
ATTN: Patent Group  
Five Palo Alto Square  
3000 El Camino Real  
Palo Alto, CA 94306-2155  
Tel: (650) 843-5000  
Fax: (650) 857-0663

Respectfully submitted,  
**COOLEY GODWARD LLP**

By:

  
\_\_\_\_\_  
Kevin J. Zimmer  
Reg. No. 36,977